

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION**

WAVE NEUROSCIENCE, INC. a Delaware  
Corporation,

Plaintiff,

vs.

BRAIN FREQUENCY LLC, a Texas Limited  
Liability Company

Defendant.

Case No. 5:23-CV-00626-XR

Honorable: Xavier Rodriguez

**DECLARATION OF J. RICK TACHÉ IN SUPPORT OF PLAINTIFF’S REPLY CLAIM**

**CONSTRUCTION BRIEF**

I, J. Rick Taché, declare as follows:

1. I am an attorney duly approved to practice law in the State of California and, for purposes of this case, admitted *pro hac vice* to practice law in the State of Texas. I am a shareholder at the law firm of Buchalter, counsel for Plaintiff Wave Neuroscience, Inc. in this action. The facts stated herein are within my personal knowledge and if called upon to testify I can truthfully and competently do so as to all matters herein. This declaration is submitted in support of Plaintiff’s Reply Claim Construction Brief.

2. U.S. Patent No. 8,870,737 claims priority to provisional application US 61/260,779.

3. U.S. Patent No. 9,446,259 is a divisional of and claims priority to U.S. Patent No. 8,585,568 (“’568 Patent”). The ’568 Patent claims priority to provisional application UA 61,260,779.

4. The Parties met and conferred regarding filing an Amended Joint Claim Construction Chart with the Court from May 14, 2024 through May 17, 2024. On the morning of

May 17, 2024 at approximately 10:51 AM CST, counsel for Defendant approved the Amended Joint Claim Construction Chart for filing. The chart was filed as Docket 31 that same day.

5. Attached as Exhibit 1 is a true and correct copy of U.S. Patent No. 11,786,747 titled “Treatment using individualized transcranial magnetic stimulation”.

6. Attached as Exhibit 2 is a true and correct copy of U.S. Patent No. 11,793,456 titled “Treatment using individualized transcranial magnetic stimulation”.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 7, 2024.

By: /s/ J. Rick Taché  
J. Rick Taché